

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

In the Matter of:
BENEATH THE TREES, LLC
Debtor

Case No.:
07-01664-8-JRL
Chapter 11

**RESPONSE TO MOTION OF THE UNITED STATES
TO APPOINT A CHAPTER 11 TRUSTEE**

COMES NOW, the Debtor, by and through the undersigned counsel of record, and for its Response to Motion of the United State to Appoint a Chapter 11 Trustee states as follows:

1. The Debtor filed Chapter 11 bankruptcy on May 4, 2007.
2. On or about June 11, 2007, the United States, on behalf of the Department of Housing and Urban Development, filed the above referenced motion requesting the appointment of a Chapter 11 trustee, citing gross mismanagement, incompetence, unauthorized use of cash collateral, failure to comply with Court orders, failure to make required post-petition tax deposits, conflicts of interest, dishonesty, and possible fraud.
3. The Debtor believes that the evidence to be presented at the hearing on this matter will show that the appointment of a chapter 11 trustee is not in the best interest of the estate and that many, if not all, of the allegations made by the United States regarding dishonesty and possible fraud will not be substantiated.

WHEREFORE, the Debtor respectfully requests that the Motion of the United States to Appoint a Chapter 11 Trustee be denied, and that a hearing be held on this matter on July 12, 2007.

DATED: 6/26/07

s/Trawick H. Stubbs, Jr.
TRAWICK H. STUBBS, JR.
N.C. State Bar #4221
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CERTIFICATE OF SERVICE

I hereby certify that I this day have served a copy of this pleading upon the other parties to this action electronically as indicated, this 26th day of June, 2007.

s/Laurie B. Biggs
Laurie B. Biggs
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To:

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Attorney for HUD (via CM/ECF and email)

Ophelia Keaton
Beneath the Trees, LLC (via email transmission)